

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)
) Chapter: 7
ROSALIA M. TINAJERO,)
) Case No: 18-34787
)
Debtor.) Judge: Janet S. Baer

**NOTICE OF TRUSTEE'S MOTION FOR APPROVAL OF COMPROMISE AND
SETTLEMENT, FOR APPROVAL OF COMPENSATION AND EXPENSES TO
SPECIAL COUNSEL AND FOR AUTHORIZATION TO DISBURSE TO MEDICAL
LIEN HOLDERS AND TO PAY THE DEBTOR'S EXEMPTION**

To: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE THAT ON Friday, August 7, 2020, at 11:00 a.m. or as soon thereafter as Counsel may be heard, I will appear before the Honorable Judge Janet S. Baer, or any Judge sitting in her stead, and present the attached Trustee's Motion.

This motion will be presented and heard telephonically. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set-up and use an account with Court Solutions, LLC. You can set up an account at www.Court-Solutions.com or by calling Court Solutions at (917) 746-7476.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Thomas E. Springer, Trustee
Michele M. Springer
Springer Larsen Greene, LLC
dba Springer Brown
Wheaton Office Center
300 S. County Farm Road, Ste. I
Wheaton, IL 60187
630-510-0000

/s/ Michele M. Springer
Michele M. Springer

CERTIFICATE OF SERVICE

I, Michele M. Springer, an attorney, on oath state that I caused to be served this Notice and proposed Order by mailing and/or electronically serving where available a copy to all parties shown and depositing same in the U.S. Mail at 300 S. County Farm Road, Wheaton Illinois before 5:45 p.m. on July 10, 2020 with proper postage prepaid.

/s/ Michele M. Springer

Service List

ECF Service:

Patrick S. Layng
Office of the U.S. Trustee, Region 11
219 S. Dearborn St.
Room 873
Chicago, IL 60604

DAVID M SIEGEL
DAVID M. SIEGEL & ASSOCIATES
790 CHADDICK DRIVE
Wheeling, IL 60090

U.S. Mail Service

Rosaelia Tinajero
1116 Talma Street
Aurora, IL 60505

Lend Nation
1155 N. Farnsworth Ave.
Aurora, IL 60505

Attorney Philip Berenz
33 North Dearborn Street
Suite 1000
Chicago, IL 60602

Ocwen Loan
1661 Worthington Rd
West Palm Beach, FL 33409

Atlas Acquisitions LLC
(MidAmerica Bank & Trust)
294 Union St.
Hackensack, NJ 07601

TCF National Bank
c/o Rgs Financial
1700 Jay Ell Dr Ste 200
Richardson, TX 75081

Capital One Bank (USA), N.A.
4515 N Santa Fe Ave
Oklahoma City, OK 73118

TCF National Bank
Bankruptcy Department
PO Box 170995
Milwaukee, WI 53217

Momentum Funding, LLC
6001 Broken Sound Parkway, NW #150
Boca Raton, FL 33487-3348

Convergent Outsourcing
800 SW 39th St
Renton, WA 98057

Progressive
c/o Credit Collection Serv
PO Box 607
Norwood, MA 02062

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IN RE:)
) Chapter: 7
ROSAELIA M. TINAJERO,)
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Debtor.) Judge: Janet S. Baer

**TRUSTEE'S MOTION FOR APPROVAL OF COMPROMISE AND SETTLEMENT,
FOR APPROVAL OF COMPENSATION TO SPECIAL COUNSEL AND FOR
AUTHORIZATION TO DISBURSE TO MEDICAL LIEN HOLDERS AND PAY THE
DEBTOR'S EXEMPTION**

NOW COMES, the Trustee, THOMAS E. SPRINGER, (hereinafter "Trustee"), and for his Motion for Approval of Compromise and Settlement, for Approval of Compensation and Expenses to Special Counsel and for Authorization to Disburse to Medical Lien Holders and Pay the Debtor her Exemption, respectfully states to this Court as follows:

1. On December 17, 2018, the above named Debtor filed a petition for relief under Chapter 7 of the United States Bankruptcy Code.
2. Thomas E. Springer was appointed as the duly authorized Trustee.
3. On January 22, 2019, the Trustee conducted and concluded the §341 Meeting of Creditors and on July 9, 2019, filed a No asset report and the case was closed on July 10, 2019.
4. On September 9, 2019, the UST filed a Motion to reopen the case and the case was reopened September 20, 2019.
5. On September 23, 2019, Thomas E. Springer was appointed as the duly authorized Trustee and continues to serve in said capacity.
6. On October 25, 2019, the Trustee employed special Counsel, Philip J. Berenz, to pursue the personal injury claim against the United States Postal Service.

7. After ongoing negotiations between Special Counsel and the United States Postal Service, an agreement and release for settlement has been reached by the necessary parties.

8. Subject to the Court's approval, the parties have agreed a gross settlement in the amount of \$65,000.00. The Trustee believes that it is in the best interest of the Estate to accept the proposed settlement for the following reasons:

a. The settlement will provide distribution to the creditors of the Bankruptcy Estate.

b. The Bankruptcy Estate will avoid the incurrence and accrual of continuing substantial legal fees, costs and related expenses in litigating, prosecuting and pursuing the cause of action through Special Counsel.

c. The settlement will avoid the inherent risks associated with litigation and assure distribution to the Estate creditors.

SPECIAL COUNSEL FEES

9. Pursuant to 11 U.S.C. §330 and as contemplated by and provided for in this Court's Order authorizing employment of Special Counsel, the Trustee requests that the Court authorize the Trustee to compensate his Special Counsel, Attorney Philip J. Berenz for legal services rendered in this matter in the pre-petition amount agreed to by the Debtor and Special Counsel and adopted by the Trustee in the amount of 20.0% (twenty percent) of the gross settlement amount, which is \$13,000.00 as compensation and costs and expenses in the total amount of \$455.66. A detailed list of Expenses is attached hereto and incorporated as Exhibit A.

MEDICAL LIENS

10. Copley Memorial Hospital, holds a valid medical lien on the settlement proceeds for the Debtor and has agreed to payment in the amount of \$2,998.40 in satisfaction of its lien.

Accordingly, Trustee also seeks authority to disburse \$2,998.40 to Copley Memorial Hospital, in satisfaction of their claim and lien against the settlement proceeds.

11. Additionally, Grandview Health Partners, Ltd., holds a valid medical lien on the settlement proceeds and has agreed to payment in the amount of \$4,530.36 in satisfaction of its lien. Accordingly, Trustee also seeks authority to disburse \$4,530.36 to Grandview Health Partners, Ltd., in satisfaction of their claim and lien against the settlement proceeds.

12. Additionally, Grand Avenue Surgical Center, holds a valid medical lien on the settlement proceeds for the Debtor and has agreed to payment in the amount of \$3,072.57 in satisfaction of its lien. Accordingly, Trustee also seeks authority to disburse \$3,072.57 to Grand Avenue Surgical Center in satisfaction of their claim and lien against the settlement proceeds.

13. Additionally, Advanced Spine and Pain Specialists, holds a valid medical lien on the settlement proceeds for the Debtor and has agreed to payment in the amount of \$1,308.67 in satisfaction of its lien. Accordingly, Trustee also seeks authority to disburse \$1,308.67 to Advanced Spine and Pain Specialists in satisfaction of their claim and lien against the settlement proceeds.

14. Additionally, Imaging Centers of America, holds a valid medical lien on the settlement proceeds for the Debtor and has agreed to payment in the amount of \$471.92 in satisfaction of its lien. Accordingly, Trustee also seeks authority to disburse \$471.92 to Imaging Centers of America in satisfaction of their claim and lien against the settlement proceeds.

15. Additionally, Windy City Anesthesia, PC, holds a valid medical lien on the settlement proceeds for the Debtor and has agreed to payment in the amount of \$490.07 in satisfaction of its lien. Accordingly, Trustee also seeks authority to disburse \$490.07 to Windy City Anesthesia, PC in satisfaction of their claim and lien against the settlement proceeds.

PAYMENT OF DEBTOR'S CLAIMED EXEMPTION

16. As part of her filed bankruptcy petition and schedules, the Debtor has claimed an exemption toward the personal injury lawsuit proceeds in the amount of \$4,000.00 pursuant to 735 ILCS 5/12-1001(h)(4).

17. The Trustee seeks authority to disburse \$4,000.00 to the Debtor for her claimed personal injury exemption.

WHEREFORE, the Trustee, Thomas E. Springer, respectfully requests that this Court enter an Order:

- a. Approving the compromise and settlement in the gross amount of \$65,000.00;
- b. Approving compensation to Trustee's Special Counsel in the total amount of \$13,000.00 for legal fees;
- c. Approving expenses to Trustee's Special Counsel in the total amount of \$455.66 for expenses; and
- d. Authorizing the Trustee to disburse to Copley Memorial Hospital the amount of \$2,998.40 for their claim and waiver of their medical lien; and
- e. Authorizing the Trustee to disburse to Grandview Health Partners, Ltd. the amount of \$4,530.36 for their claim and waiver of their medical lien; and
- f. Authorizing the Trustee to disburse to Grand Avenue Surgical Center the total amount of \$3,072.57 for their claim and waiver of their medical lien; and
- g. Authorizing the Trustee to disburse to Advanced Spine and Pain Specialists the total amount of \$1,308.67 for their claim and waiver of their medical lien; and
- h. Authorizing the Trustee to disburse to Imaging Centers of America the total amount of \$471.92 for their claim and waiver of their medical lien; and
- i. Authorizing the Trustee to disburse to Windy City Anesthesia, PC the total amount of \$490.07 for their claim and waiver of their medical lien; and

- j. Authorizing payment to the Debtor in the amount of \$4,000.00 for her claimed exemption; and
- k. For any such other and further relief as this Court deems just and equitable.

Dated: July 7, 2020

Respectfully submitted,

Thomas E. Springer, Trustee

BY: Springer Larsen Greene, LLC
dba Springer Brown

By: /s/ Michele M. Springer

Michele M. Springer
One of His Attorneys

Michele M. Springer
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